

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
(CLARKSBURG)

**FILED**

DEC 7 - 2007

U.S. DISTRICT COURT  
CLARKSBURG, WV 26301

WYETH

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant.

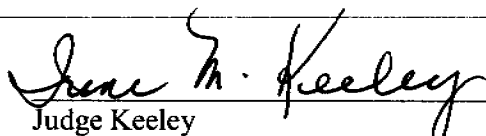
Civil Action No.: 1:07-CV-91  
(Judge Keeley)

**AGREED ORDER**

Whereas Defendant has filed a motion to strike Plaintiff's allegations concerning willful infringement and Plaintiff has agreed to amend the complaint to withdraw the allegations of willful infringement without prejudice and Defendant has agreed to withdraw its motion without prejudice, the parties hereby agree to the following order:

1. The attached amended complaint shall be entered and nothing in the amended complaint shall be construed as an allegation of willful infringement.
2. Defendant hereby withdraws its motion to strike the allegations of willful infringement without prejudice.
3. Plaintiff reserves the right to request discovery independently relevant to allegations in the amended complaint whether or not the discovery is relevant also to willful infringement.
4. Defendant reserves the right to object to improper discovery requests relevant to willful infringement.

So ordered this 7<sup>th</sup> day of December, 2007.

  
Judge Keeley  
United States District Court Judge

PREPARED AND PRESENTED BY:

Wyeth, Plaintiff

By: /s/ James F. Companion

James F. Companion (WV Bar No. 790)  
John Porco (WV Bar No. 6946)  
SCHRADER BYRD & COMPANION PLLC  
The Maxwell Centre  
32-20<sup>th</sup> Street  
Suite 500  
Wheeling, WV 26003  
Telephone: (304) 233-3390  
Facsimile: (304) 233-2769

Basil J. Lewris, *admitted pro hac vice*  
Allen M. Sokal, *admitted pro hac vice*  
Robert D. Litowitz, *admitted pro hac vice*  
Linda A. Wadler, *admitted pro hac vice*  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Avenue, N.W.  
Washington, D.C. 20001  
Telephone: (202) 408-4000  
Facsimile: (202) 408-4400  
*Attorneys for Plaintiff*  
*Wyeth*

Mylan Pharmaceuticals Inc., Defendant

By: /s/ Gordon H. Copland

Gordon H. Copland (WV Bar No. 828)  
Michael B. Pallay (WV Bar No. 9397)

STEPTOE & JOHNSON PLLC

P.O. Box 2190

Clarksburg, WV 26302

Telephone: (304) 624-8000

Timothy H. Kratz, *admitted pro hac vice*

Lynn E. Eccleston, *admitted pro hac vice*

Robert J. Waddell, Jr., *admitted pro hac vice*

Robert L. Florence, *admitted pro hac vice*

MCGUIREWOODS L.L.P.

1170 Peachtree Street, N.E.

Suite 2100

Atlanta, GA 30309

Telephone: (404) 443-5500

Facsimile: (404) 443-5599

*Attorneys for Defendant*

*Mylan Pharmaceuticals Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2007, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participant(s):

Gordon H. Copland  
STEPTOE & JOHNSON PLLC  
Bank One Center East  
P.O. Box 2190  
Clarksburg, West Virginia 26302-2190

/s/ John Porco

James F. Companion (WV Bar No. 790)  
E-mail: jfc@schraderlaw.com  
John Porco (WV Bar No. 6946)  
E-mail: jp@schraderlaw.com  
SCHRADER BYRD & COMPANION PLLC  
The Maxwell Centre  
32-20<sup>th</sup> Street, Suite 500  
Wheeling, WV 26003  
Telephone: (304) 233-3390  
Facsimile: (304) 233-2769